

FILED
JUN 6 2014
CITY CLERK

RESOLUTION NO. 17, 2014

A RESOLUTION TO RESCIND THE TEN (10)-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR IVY HILL CORPORATION.

WHEREAS, by Resolution No. 5, 2008, the Common Council for the City of Terre Haute, Indiana, confirmed on January 12, 2006, a ten (10) year personal property tax abatement for Ivy Hill Corporation (hereinafter "Petitioner"). Resolution No. 5, 2008, is attached hereto as Exhibit A; and

WHEREAS, by written notice dated January 21, 2014, Petitioner was provided with a courtesy notification that the Common Council Finance Committee would be reviewing the compliance of previously granted tax abatements and advised Petitioner to review the status of its tax abatement and to ensure submission of appropriate compliance forms. A copy of said notice is attached hereto as Exhibit B; and

WHEREAS, at a special meeting of the Common Council held on May 8, 2014, to review compliance of approved tax abatements, it was determined that Petitioner was not in substantial compliance with the Statement of Benefits for failure to submit to the Common Council a Form CF-1/PP (Compliance with Statement of Benefits – Personal Property); and

WHEREAS, pursuant to I.C. § 6-1.1-12.1-5.9, by written notice dated May 9, 2014, Terre Haute City Clerk notified Petitioner that a determination had been made that Petitioner was not in substantial compliance with the Statement of Benefits. Such notice stated the reason for the determination of non-compliance and the date, time, and place for a hearing. Such notice is attached hereto as Exhibit C; and

WHEREAS, at the public hearing held on June 5, 2014, the Common Council determined that Petitioner had not made a reasonable effort to comply with the Statement of Benefits and therefore such tax deductions should be terminated.

THEREFORE, BE IT RESOLVED by the Common Council for the City of Terre Haute, Indiana, that tax deductions authorized for Petitioner provided in Resolution No. 5, 2008, are hereby terminated.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to provide a copy of this Resolution No. 17, 2014 to the Petitioner, Vigo County Auditor, and the appropriate township assessor.

BE IT FURTHER RESOLVED, that the Common Council requests that the County Auditor follow the provisions set forth at I.C. §6-1.1-12.1-5.9(d).

Introduced by: _____ Norman Loudermilk, Councilman

Passed in open Council this _____ day of _____, 2014.

_____ Amy Auler, President

ATTEST: _____ Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of _____, 2014.

_____ Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2014.

_____ Duke A. Bennett, Mayor

ATTEST: _____ Charles P. Hanley, City Clerk

Exhibit "A"

FILED

MAR 13 2008

CITY CLERK

RESOLUTION NO. 5, 2008

AS AMENDED

A Resolution of the Common Council of the City of Terre Haute, Indiana, Designating an Area Within the City commonly identified as 4025 3rd Parkway, Terre Haute, Indiana, Terre Haute, Indiana as an Economic Revitalization Area for the Purpose of Ten (10) Year Personal Property Tax Abatement for Ivy Hill Corporation.

WHEREAS, a Petition for a ten (10) year personal property tax abatement has been filed with the Common Council of the City of Terre Haute, Indiana requesting that the real property described below be designated an Economic Revitalization Area for purposes of personal property tax abatement, to-wit:

WHEREAS, the Petitioner has submitted a Statement of Benefits and provided all information and documentation necessary for the Common Council of the City of Terre Haute, Indiana to make an informed decision; and

WHEREAS, Petitioner has estimated that its investment in the project to be located at said real estate itself will allow Petitioner to add 12 additional jobs as a result of the Project, thus allowing Petitioner to increase its permanent full-time job count to 295 persons with an annual payroll of approximately \$10,585,990.00.

WHEREAS, the Common Council of the City of Terre Haute, Indiana is authorized under the provisions of I.C. 6-1.1-12.1-1 et. seq. to designate areas of the City of Terre Haute, Indiana as economic revitalization areas for the purpose of tax abatement; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has considered the Petition and Statement of Benefits and has conducted a complete and proper investigation of the subject property and neighborhood to determine that the area qualifies as an economic revitalization area under Indiana statutes; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has found the subject property to be an area within the boundaries of the City of Terre Haute, Indiana, which area has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property—and such is an area where facilities that are technologically, economically or energy obsolete, are located and where the obsolescence may lead to a decline in tax revenues;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the

Common Council of the City of Terre Haute, Indiana that:

1. The Petitioner's estimate of the value of the Project to be built on the subject real property is reasonable for projects of that nature in order to maintain, expand, update and improve the ability of Petitioner to continue functioning as a competitive manufacturer of commercial, printed packaging products in the City of Terre Haute, Indiana.

2. The Petitioner's estimate of the number of individuals whose employment will be added, and the benefits thereby, can reasonably be expected to result from the Project.

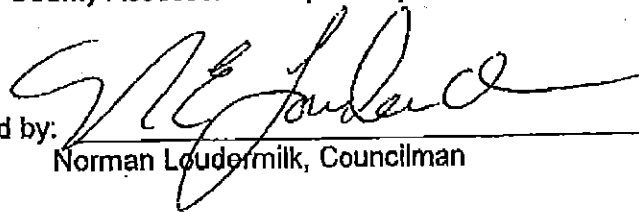
3. The Petitioners' estimate of the annual salaries or wages of the individuals who will become new, additional employees, and the benefits thereby, can reasonably be expected to result from the Project.

4. The totality of the benefits of the Project are sufficient to justify a ten (10) year personal property tax deduction from assessed valuation to result therefrom under Indiana statutes, and each and all of such deductions should be, and they are hereby, allowed.

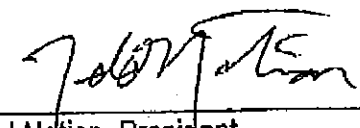
5. The Petition for designating the subject property as an Economic Revitalization Area for the purposes of ten (10) year personal property tax abatement and the Statement of Benefits are hereby approved and the real estate described hereinabove is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et. seq.

6. A copy of this Resolution, following its passage, shall be filed with the Vigo County Assessor as required by I.C. 6-1.1-12.1-2.5(c).

Presented by:


Norman Loudermilk, Councilman

Passed in open Council this 14th day of March, 2008.


Todd Nation, President
Common Council of Terre Haute, Indiana

ATTEST: Charles P. Hanley
Charles P. Hanley, City Clerk

Presented by me to the Mayor this 14th day of MARCH, 2008.

Charles P. Hanley
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 14th day of MARCH, 2008.

Duke A. Bennett
Duke A. Bennett, Mayor, City of Terre Haute, Indiana

ATTEST: Charles P. Hanley
Charles P. Hanley, City Clerk

This instrument prepared by

Charles J. Heiny, Esq.
Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802

Exhibit A
Ivy Hill Corporation
Equipment List for Abatement

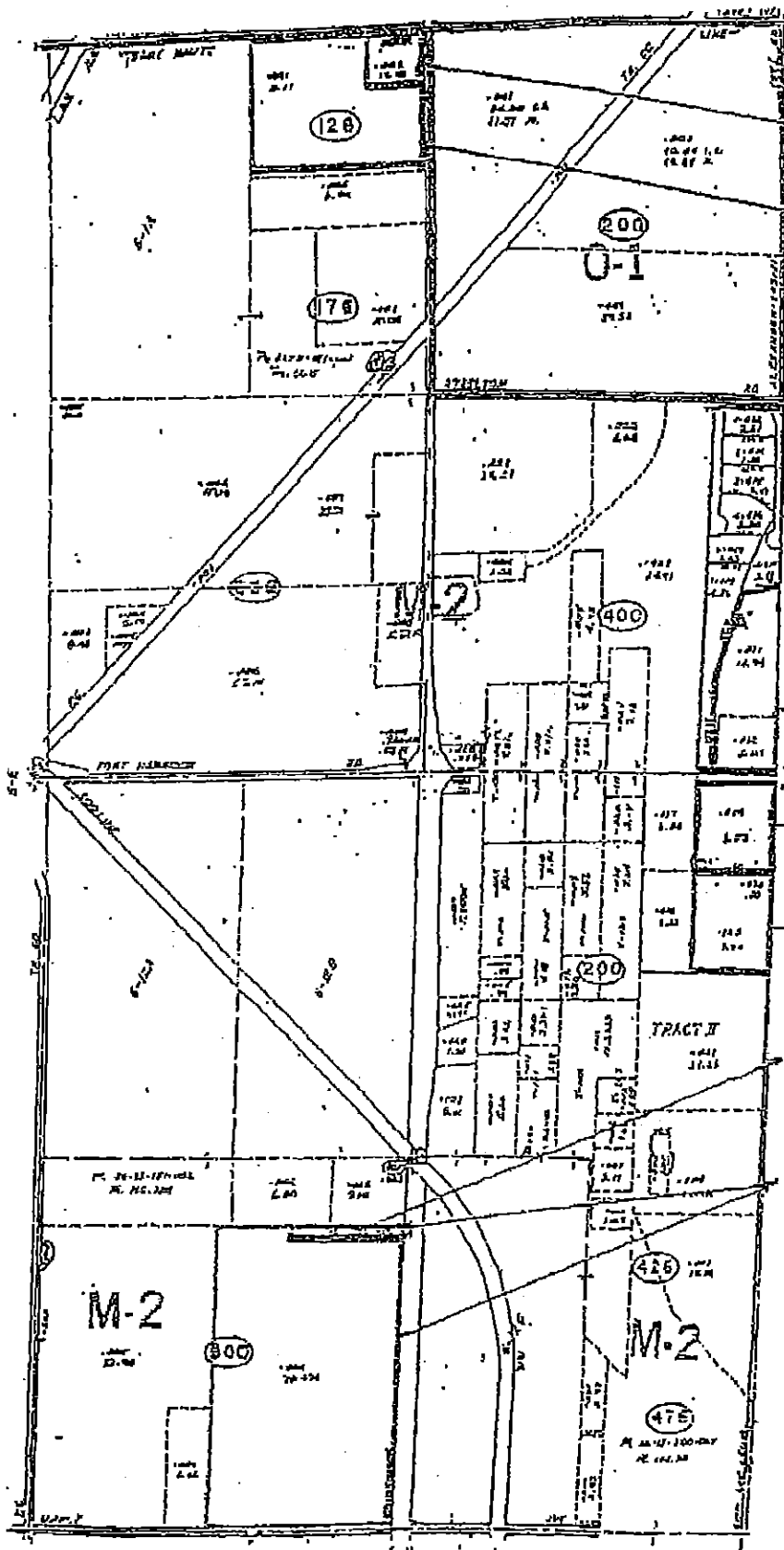
<u>Description</u>	<u>Cost</u>
SAFTEY INSTALL FOR GLUERS (ASSET C-49549)	17,796.36
SAFTEY INSTALL FOR GLUERS (ASSET C-69187)	17,796.32
SAFTEY INSTALL FOR GLUERS (ASSET C-49546)	17,796.32
MINI ST SENSOR APPLICATOR (COST CENTER 464)	25,005.55
MINI ST SENSOR APPLICATOR (COST CENTER 465)	25,005.55
SAFTEY INSTALL FOR GLUERS (ASSET C-49488)	17,796.32
SAFTEY INSTALL FOR GLUERS (ASSET C-49583)	17,796.32
WOODWARD JOGGER REBUILD	31,537.02
KONGSBERG XL20	70,387.13
HIGH PRESSURE GLUE SYSTEM	33,757.81
AUTOMATIC CASE LABEL APPLICATORS MODEL 260	15,832.85
HIGH PRESSURE GLUE SYSTEM	33,757.81
AUTOMATIC CASE LABEL APPLICATORS MODEL 250	15,832.85
AUTOMATIC CASE LABEL APPLICATORS MODEL 250	15,832.85
AUTOMATIC CASE LABEL APPLICATORS MODEL 250	15,832.85
AUTOMATIC CASE LABEL APPLICATORS MODEL 250	15,832.83
HIGH PRESSURE GLUE SYSTEM	33,757.81
MOD BAILING SYS ON 104 DIECUTTER	23,854.04
SPEED KING GLUER	95,699.78
3 BAR CODE READER	23,262.64
DIGI APPLICATOR COST CENTER 475	191,649.08
6/C 56" K&A PRESS COST CENTER 202	3,859,875.94
BOBST DIECUTTER SP 104-E	620,620.25
ROYCE COATING PUMP FOR ASSET C-50769	16,832.88
CREOSCITEX TRENDSETTER VLF 4557	398,444.11
CAE ALPHEUS DRY ICE PRESSURE CLEANER	9,594.38
GLUE SCAN VERIFICATION SYSTEM	78,602.40
10 COMPUTER W/WORKSTATION	12,839.00
TOPPY MOBILE PILE TURNER	34,568.64
TURNTABLE PACKING STATION	51,201.65
DIE ROOM ROUTER	189,223.41
EASY PRESS	284,657.09
BOBST GLUER	584,040.83
GLUE DETECTION SYSTEM	144,136.26
EASY BENDER	107,896.51
SIDE GUIDE REGISTRATION	71,459.19
GLUE DETECTION SYSTEM	64,399.08
HIEDELBERG POLAR CUTTER MODEL 137ED	80,945.01
HOT MELT UNIT	10,174.62
PLATFORM FOR GLUERS	31,693.80
MARATEK RECYCLING SYSTEM SOLVENT RECOVERY	43,036.77
UV INTERDECK FOR ASSET C-49457	41,782.00
DRYER AND INTERDECK FOR ASSET 49488 COST CEN	58,891.00
BOBST GLUER	1,116,129.61
OFFSET PLATE INSPECTION	10,244.00
UNIFORM CARTON SEALING EQUIPMENT	74,902.01
REPAIRS TO SPEED KING GLUER	62,362.22
WOODWARD JOGGER	83,399.88
LATHE FOR MACHINE SHOP	6,000.00
LATHE FOR MACHINE SHOP	1,389.36
UNIVERSAL QUEEN GLUER	494,198.43
GLUER	48,700.00
SCORE BEND TESTER	6,500.00
ANCILLARY EQUIPMENT	5,137.00

TOTAL MACHINERY & EQUIPMENT \$ 9,540,000

TERRE HAUTE, VIGO COUNTY, INDIANA

Beginning at a point (an Iron Pipe in the centerlines of 3rd St. and Indiana) 1,060.97 feet East and 1,800.87 feet South of the Northwest corner of the Northeast Quarter of Section Twelve (12), Township Twelve (12) North, Range Nine (9) West of the 2nd P.M.; thence North 89 degrees 50 minutes 40 seconds East 504.00 feet to an Iron Pin (in the centerlines of 3rd St. and Savanna); thence South 00 degrees 01 minute 20 seconds East 556.44 feet to an Iron Pin (in the centerline of Savanna); thence South 89 degrees 58 minutes 40 seconds West 298.19 feet to an Iron Pin (in the centerline of Detroit); thence South 00 degrees 06 minutes 20 seconds East 788.51 feet to an Iron Pin (a railroad spike in the centerlines of 4th St. and Detroit); thence South 89 degrees 58 minutes 40 seconds West 305.79 feet to an Iron Pin (a railroad spike in the centerlines of 4th St. and Indiana); thence North 00 degrees 04 minutes 20 seconds West 1,343.90 feet to an Iron Pipe; the point of beginning. Containing 13.2363 Acres.

EXHIBIT B



008

S.O. 47/70
M-2 to C-1

S.O. 47/70
M-2 to R-T

S.O. 66/74
M-2 to R-2
4380 N. 43 ST.

S.O. 24/80
M-2 to R-1

S.O. 74/74
M-2 to R-2

S.O. 44/81
M-2 to R-1

S.O. 26/86
1350 FRUITRIDGE
R-3 to M-2

S.O. 4/68
3434 MAPLE AV.
C-2 to R-3

EXHIBIT C

**FINAL ACTION BY COMMON COUNCIL OF
THE CITY OF TERRE HAUTE, INDIANA
REGARDING RESOLUTION # 5, 2008**

WHEREAS, the Common Council of the City of Terre Haute, Indiana adopted Resolution 5, 2008, on the 13th day of March 2008, and pursuant to Indiana Law has published notice of the adoption and substance of said Resolution including a description of the affected area and notice that a description of the affected area is available for inspection in the office of the Vigo County Assessor and further stating a date on which the Common Council of the City of Terre Haute, Indiana would receive and hear remonstrances and objections; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has conducted the hearing as required by law and has received no remonstrances or objections to designation of the affected area as an economic revitalization area or to approval of the Statement of Benefits heretofore filed; and

WHEREAS, said matter is before the Common Council of the City of Terre Haute, Indiana for final action pursuant to Indiana law; and

WHEREAS, the Common Council of the City of Terre Haute, Indiana has received and examined, prior to such hearing, a Statement of Benefits on the form prescribed by the Department of Local Government and Finance and proper application for designation and has heard all appropriate evidence concerning the proposed project and has found and does find:

1. That the estimate of the cost of the redevelopment is reasonable for projects of that type.
2. That the estimate of individuals who will be employed as a result of the redevelopment, rehabilitation and installation of the equipment can reasonably be expected to result from the proposed project.
3. The estimate of annual salaries of those individuals who will be employed can reasonably be expected to result from the proposed redevelopment, rehabilitation and the project.
4. That the benefits heretofore stated can reasonably be expected to result from the proposed redevelopment, rehabilitation and the project.
5. That the totality of benefits is sufficient to justify the deductions.

6. That all qualifications for establishing an economic revitalization area have been met.

NOW, THEREFORE, for final action on Resolution 5, 2008, the Common Council of the City of Terre Haute, Indiana, RESOLVES, FINDS AND DETERMINES:

1. That all of the requirements for designation of the real estate described in Resolution 5, 2008, as an Economic Revitalization Area have been met, the foregoing findings are true and that all information required to be submitted has been submitted in proper form.

2. That Resolution 5, 2008, is in all respects confirmed and approved (as modified to incorporate therein this final action); that the benefits of the proposed development are sufficient to justify ten (10) year personal property tax abatement under Indiana statutes for the proposed redevelopment and rehabilitation described in the aforesaid Statement of Benefits of Ivy Hill Corporation; the deduction for the proposed project and development, as well as the Statement of Benefits submitted by Ivy Hill Corporation is approved; the Common Council of the City of Terre Haute, Indiana authorizes and directs the endorsement of said Statement to show such approval; that the real estate described in Resolution 5, 2008, is declared an economic revitalization area for the purposes of ten (10) year personal property tax abatement; and the said real estate is hereby designated as an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1-1 et seq.

3. That said Resolution supplements any other designation (if any) of the aforesaid real estate as an Economic Revitalization Area.

4. That this Final Action, findings and confirmation of Resolution 5, 2008, shall be incorporated in and be a part of Resolution 5, 2008.

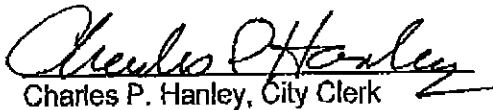
Presented by:


Norman Loudermilk, Councilman

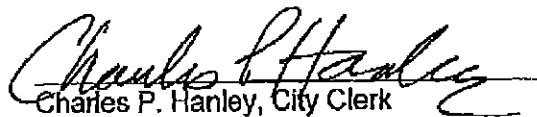
Passed in open Council this 10th day of April, 2008.


Todd Nation, President
Common Council of City of Terre Haute, Indiana


ATTEST:


Charles P. Hanley, City Clerk

Presented by me to the Mayor this 11th day of April, 2008.


Charles P. Hanley, City Clerk

Approved by me, Duke A. Bennett, Mayor, this 1st day of April, 2008.


Duke A. Bennett, Mayor,
City of Terre Haute, Indiana

ATTEST:


Charles P. Hanley, City Clerk

This Instrument prepared by

Charles J. Heiny, Esq.
Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802

Exhibit B

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Charles P. Hanley, City Clerk

January 21, 2014

MPS IH, LLC / Ivy Hill
Gary Pike
5800 W Grand River
Lansing, MI 48906

**Re: City of Terre Haute, Indiana
Personal Property Tax Abatement Recipient
RS 5, 2008**

Dear Gary Pike:

On June 17, 2009, the Terre Haute City Council Finance Committee conducted a meeting to discuss real and personal property tax abatement compliance. The Finance Committee determined it would not conduct hearings with any tax abatement recipients that year. However, beginning in 2010 and each subsequent year thereafter, all tax abatement paperwork will be reviewed annually for compliance by the Finance Committee.

Those recipients who fail to meet the compliance filing requirements or who filed information that appears to be out of compliance with the obligations set forth in the tax abatement petition and resolution will be asked to appear before the Finance Committee to provide more information.

The Finance Committee provides the following recommendations to assist in the proper submission and review of real and/or personal property tax abatement compliance forms:

- Complete the CF-1/PP or CF-1/RP in its entirety. Incomplete forms will be returned for completion.
- Handwritten forms must be legible.
- The Terre Haute City Council has not approved consolidation of multiple projects on one (1) compliance form. Please use a separate compliance form for each tax abatement granted.

city of terre haute

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Charles P. Hanley, City Clerk

city of terre haute

- Using the correct compliance form, reference the correct City Council resolution number and year for each tax abatement granted.
- Double-check all calculations.
- Attach a copy of the original SB-1 Form (Statement of Benefits).
- Be prepared to explain discrepancies between pledged numbers of employees and salaries and actual numbers of employees and salaries.
- File your completed form annually by May 15 with both the Vigo County Auditor and Terre Haute City Clerk's office.

For your assistance, I have enclosed copies of Indiana Department of Local Government Finance Form CF-1/PP (Compliance with Statement of Benefits Personal Property) and Form CF-1/RP (Compliance with Statement of Benefits Real Property). Please use only the form that applies to the type of tax abatement your company was granted.

This letter is a reminder to your company of the requirements for yearly compliance. If your company has not completed the project for which the abatement was granted, please remit a letter stating this. Thank you in advance for your cooperation in this matter.

Sincerely,



Michelle Edwards
Deputy City Clerk

Enclosures

cc: City Council Members

OFFICE OF THE CLERK
City Hall, Room 102
17 Harding Avenue
Terre Haute, Indiana 47807
812-232-3375

Exhibit "C"

Charles P. Hanley, City Clerk

May 9, 2014

MPS/Ivy Hill
5800 W. Grand River Ave.
Lansing, MI 48906
Attention: Gary W. Pike, Assistant Treasurer

RE: RS 5, 2008 Personal Tax Abatement

To Whom It May Concern:

This letter is in reference to the status of your company's tax abatement compliance with the Terre Haute City Common Council. At the May 2014 Regular Terre Haute Common Council Meeting, held on May 8, 2014, your company's submitted Compliance of Benefits Form (CF-1) or letter was reviewed. During this meeting it was determined your company was not in substantial compliance. This determination was based on submission of a letter declaring company has ceased operations.

A hearing has been scheduled for June 5, 2014 at 5:00pm (EST) in the City Hall Courtroom. The Courtroom is located at 17 Harding Avenue, City Hall, Terre Haute, Indiana 47807. A representative of your company must appear to answer questions concerning the data provided on the CF-1 form or in your submitted letter.

If a representative fails to attend the hearing scheduled for June 5, 2014, the Council may consider such as the property owner's failure to make reasonable efforts to comply with the statement of benefits and may vote to terminate the abatement thereby eliminating the deduction, pursuant to I.C. 6-1.1-12.1-5.9(c). Please make sure a representative is available for questions at the hearing.

If you have any questions, please feel free to contact me at 812-244-2131 or Michelle.Edwards@Terrehaute.IN.Gov

Sincerely,



Michelle Edwards
Chief Deputy City Clerk

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: MPS/IVY HILL 5800 W. GRAND RIVER AVE LANSING, MI 48906 ATTN: GARY W. PIKE ASST. TREASURER		B. Received by (Printed Name) <i>R. WILSON</i>	
2. Article Number (Transfer from service label)		C. Date of Delivery 5-12-14p	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			

PS Form 3811, February 2004 Domestic Return Receipt 102655-02-14-1540

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
MPS/IVY HILL
Street, Apt. No.,
or PO Box No. 5800 W. GRAND RIVER AVE
City, State, ZIP+4
LANSING, MI 48906

PS Form 3800, August 2006 See Reverse for Instructions